

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8637 of 1988

Date of decision: 25-3-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HARISH PAMABHAI KOTIA

Versus

STATE OF GUJARAT

Appearance:

MR BG JANI for Petitioner
Mr. K. C. Shah for Respondent No. 1
MR JR NANAVATI for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/03/97

ORAL JUDGEMENT

The petitioner, an employee of the Porbandar Nagar Palika, District: Junagadh, has filed this special civil application praying for direction to the respondents to treat him as permanent employee of respondent No.2 from the initial date of appointment or from any other date, and further to direct the respondents to grant him all the benefits available to regular permanent employees of the respondents.

2. The petitioner's case is that he is working as daily wager from 9-4-1984 in the office of respondent No.2 as 'Tanki Pagi' with some artificial break. Since 1-9-1987 he is continuing in service. Further affidavit is filed by the petitioner in this case in which he has given out that daily rated class IV employees working in the office of respondent No.2 have been regularised in the year 1992 by the order of this Court in the respective petitions. Details of those persons have been given in para 1 of the further affidavit. It has further been stated that those persons are junior to the petitioner as they were appointed as daily wagers in the year 1986-87 whereas the petitioner was appointed in the year 1984.

3. Learned counsel for respondent No.2 very fairly submitted that the case of the petitioner will be considered for regularisation with reference to the cases of the persons mentioned in para 1 of the further affidavit, and in case his claim is found acceptable, he will get the benefits from the date from which those persons are given the benefit. In view of this statement made by the counsel for the respondent, this writ petition deserves to be disposed of with direction to the respondents to decide the case of the petitioner in terms of the cases of four persons named in the further affidavit, namely, (1) Naran Babu, Pump attendant; (2) Babulalji, Pagi; (3) Dana Chana, Peon (Dadia); and (4) Mulji Chana, Peon (Dadia). In case the petitioner's claim is accepted, then he shall be entitled to all the benefits which have been given to those persons from the date the said benefits were given to them. subject to the aforesaid directions, this special civil application stands disposed of. Rule discharged. No order as to costs.

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